

Florida Metropolitan Planning Organization Advisory Council



2012 Summary of State Legislation

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2012 Summary of State Transportation Legislation

An Act Relating to Transportation and Mitigation Programs (HB 599)

Sections 1 and 2 (s. 341.301 and 341.302, F.S.)

- **Revises the definition of the term “limited covered accident” as it relates to trains, locomotives, rail cars and other rail equipment by adding a clause including collisions arising from the willful misconduct of the National Railroad Passenger Corporation or where punitive or exemplary damages are awarded due to the conduct of the National Railroad Passenger Corporation. Authorizes the Florida Department of Transportation (FDOT) to contract to indemnify the National Railroad Passenger Corporation against loss. Also allows FDOT to purchase liability insurance coverage for the National Railroad Passenger Corporation. Both are subject to certain terms and conditions.**
 - “Limited covered accident” means: ... or, a collision directly between the trains, locomotives, rail cars, or rail equipment of the department and National Railroad Passenger Corporation only, where the collision is caused by or arising from the willful misconduct of National Railroad Passenger Corporation or its subsidiaries, agents, licensees, employees, officers, or directors or where punitive damages or exemplary damages are awarded due to the conduct of National Railroad Passenger Corporation or its subsidiaries, agents, licensees, employees, officers, or directors.”
 - “The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless National Railroad Passenger Corporation, or its successors, and officers, agents, and employees of National Railroad Passenger Corporation, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of National Railroad Passenger Corporation, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.”
 - “The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, or rail corridor invitees, or trespassers, regardless of circumstances or cause ... In the event of a limited covered accident, the authority of the department to protect, defend, and indemnify National Railroad Passenger Corporation for all liability, cost, and expense, including punitive or exemplary damages, in excess of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident exists only if National Railroad Passenger Corporation agrees, with respect to the limited covered accident, to protect, defend, and indemnify the

department for the amount of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident.”

- “the Department shall... have the authority to:...Purchase liability insurance, which amount shall not exceed \$200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), National Railroad Passenger Corporation, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible shall not exceed \$10 million...”

Section 3 (s. 373.4137, F.S.)

- **Allows FDOT (or a transportation authority) additional opportunities in choosing between various mitigation methods when wetland mitigation is required for transportation projects. Specifics include revising legislative intent to encourage the use of other mitigation options that satisfy state and federal requirements; requiring FDOT or a transportation authority to submit lists of its projects in the adopted work program to the water management districts; requiring a list rather than a survey of threatened or endangered species and species of special concern affected by a proposed project; providing conditions for the release of certain environmental mitigation funds; prohibiting a mitigation plan from being implemented unless the plan is submitted to and approved by the Department of Environmental Protection; providing additional factors that must be explained regarding the choice of mitigation bank; removing a provision requiring an explanation for excluding certain projects from the mitigation plan; and providing criteria that FDOT must use in determining which projects to include in or exclude from the mitigation plan.**
- “The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the use of mitigation banks and any other mitigation options that satisfy state and federal requirements.”
- “By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of habitats addressed in the rules adopted pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of

construction for transportation projects in the next 3 years of the tentative work program.”

- “The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened species, endangered species, and species of special concern affected by the proposed project.”
- “Before March 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344.”
- “In determining the activities to be included in the plans, the districts shall consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include the purchase as a part of the mitigation plan when the purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option... The plan may not be implemented until it is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection.”
- “For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options and other factors such as time saved, liability for success of the mitigation, and long-term maintenance”
- “Specific projects may be excluded from the mitigation plan, in whole or in part, and are not subject to this section upon the election of the Department of Transportation, a transportation authority if applicable, or the appropriate water management district... When determining which projects to include in or exclude from the mitigation plan, the Department of Transportation shall investigate using credits from a permitted mitigation bank before those projects are submitted for inclusion in the plan. The investigation shall consider the cost-effectiveness of mitigation bank credits, including, but not limited to, factors such as time saved, transfer of liability for success of the mitigation, and long-term maintenance.”

Section 4 (s. 373.4135, F.S.)

- **Authorizes a governmental entity to create or provide mitigation for projects other than its own under specified circumstances.**
 - “Notwithstanding the provisions of this section, a governmental entity may not create or provide mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136. This paragraph does not apply to:
 1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;
 2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6);
 3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;
 4. Mitigation for impacts from mining activities under s. 373.41492;
 5. Mitigation provided for single-family lots or homeowners under subsection (7);
 6. Entities authorized in chapter 98-492, Laws of Florida;
 7. Mitigation provided for electric utility impacts certified under part II of chapter 403; or
 8. Mitigation provided on sovereign submerged lands under subsection (6).”

Section 5 (s. 373.4136, F.S.)

- **Authorizes certain seaport projects to use a mitigation bank.**
 - “... the following projects or activities regulated under this part shall be eligible to use a mitigation bank, regardless of whether they are located within the mitigation service area: ...Linear projects, such as roadways, transmission lines, distribution lines, pipelines, or railways, or seaports listed in s. 311.09(1).”

Section 9 (s. 311.07, F.S.)

- **Revises provisions for the financing of port transportation or port facilities projects. Increases funding for the Florida Seaport Transportation and Economic Development (FSTED) Program, directs the FSTED Council to develop guidelines for project funding and requires FSTED council staff, FDOT, and the Department of Economic Opportunity (DEO) to work in cooperation to review projects and allocate funds as specified. Revises certain authorized uses of program funds and revises the list of projects eligible for funding under the program. Removes a cap on distribution of program funds and a requirement**

for a specified audit. Authorizes FDOT to subject projects funded under the program to a specified audit.

- “A minimum of \$15 million per year shall be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program. The Florida Seaport Transportation and Economic Development Council created in s. 311.09 shall develop guidelines for project funding. Council staff, the Department of Transportation, and the Department of Economic Opportunity shall work in cooperation to review projects and allocate funds in accordance with the schedule required for the Department of Transportation to include these projects in the tentative work program developed pursuant to s. 339.135(4).”
- “Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects ... 11) Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.”
- “The Department of Transportation may subject any project that receives funds pursuant to this section and s. 320.20 to a final audit.”

Section 10 (s. 311.09, F.S.)

- **Revises provisions for rules of the Florida Seaport Transportation and Economic Development (FSTED) Council for evaluating certain projects. Removes provisions for review by the Department of Community Affairs of the list of projects approved by the FSTED Council and revises provisions for review and evaluation of such projects by FDOT and the Department of Economic Opportunity (DEO). Increases the amount of funding FDOT is required to include in its annual legislative budget request for the FSTED Program and revises provisions relating to funding to be included in the budget.**
 - “The council shall adopt rules for evaluating projects which may be funded under ss. 311.07 and 320.20. The rules shall provide criteria for evaluating the potential project, including, but not limited to, such factors as consistency with appropriate plans, economic benefit, readiness for construction, noncompetition with other Florida ports, and capacity within the seaport system”
 - “The Department of Transportation shall review the list of project applications approved by the council for consistency with the Florida Transportation Plan, the Statewide Seaport and Waterways System Plan, and the department's adopted work program. In evaluating the consistency of a project, the department shall assess the transportation impacts and economic benefits for each project The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan, the Statewide Seaport and Waterways System Plan, or and the adopted work program and shall notify the council of projects found to be inconsistent.”

- “The Department of Economic Opportunity shall review the list of project applications approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan and with state economic development goals and policies. The Department of Economic Opportunity shall review the proposed project's consistency with state, regional, and local plans, as appropriate, and the economic benefits of each project based upon the rules adopted pursuant to subsection”
- “The Department of Economic Opportunity shall identify those projects which it has determined do not offer an economic benefit to the state, are not consistent with an appropriate plan, or are not consistent with the Florida Seaport Mission Plan or state economic development goals and policies and shall notify the council of its findings.”
- “The Department of Transportation shall include no less than \$15 million per year in its annual legislative budget request for the Florida Seaport Transportation and Economic Development grant Program funded under s. 311.07...The department shall include the specific approved Florida Seaport Transportation and Economic Development Program projects to be funded under s. 311.07 during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to Florida Seaport Transportation and Economic Development Program projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4).”

Section 11 (Creates s. 311.10, F.S.)

- **Establishes the Strategic Port Investment Initiative within the Department of Transportation and provides for a minimum annual amount from the State Transportation Trust Fund to fund the initiative. Directs the department to work with deepwater ports to develop and maintain a priority list of strategic investment projects and provides project selection criteria. Requires the department to schedule a publicly noticed workshop with the Department of Economic Opportunity and the deepwater ports to review the proposed projects and directs the department to finalize a prioritized list of potential projects after considering comments received in the workshop. Directs the department to include the proposed seaport projects in the tentative work program.**
 - “There is created the Strategic Port Investment Initiative within the Department of Transportation. Beginning in fiscal year 2012-2013, a minimum of \$35 million annually shall be made available from the State Transportation Trust Fund to fund the Strategic Port Investment Initiative. The Department of Transportation shall work with the deepwater ports listed in s. 311.09 to develop and maintain a priority list of strategic investment projects. Project selection shall be based on projects that meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities by:
 - (a) Providing important access and major on-port capacity improvements;

- (b) Providing capital improvements to strategically position the state to maximize opportunities in international trade, logistics, or the cruise industry;
 - (c) Achieving state goals of an integrated intermodal transportation system; and
 - (d) Demonstrating the feasibility and availability of matching funds through local or private partners.
- “Prior to making final project allocations, the Department of Transportation shall schedule a publicly noticed workshop with the Department of Economic Opportunity and the deepwater ports listed in s. 311.09 to review the proposed projects. After considering the comments received, the Department of Transportation shall finalize a prioritized list of potential projects.”

Section 12 (Creates s. 311.101, F.S.)

- **Creates the Intermodal Logistics Center Infrastructure Support Program within the Department of Transportation, provides the purpose of the program, and defines the term "intermodal logistics center." Provides criteria for consideration by the department when evaluating projects for program assistance and directs the department to coordinate and consult with the Department of Economic Opportunity in the selection of projects to be funded. Authorizes the department to administer contracts on behalf of the entity selected to receive funding and provides for the department's share of project costs. Provides for a certain amount of funds in the State Transportation Trust Fund to be made available for eligible projects and directs the department to include the proposed projects in the tentative work program.**
 - “There is created within the Department of Transportation the Intermodal Logistics Center Infrastructure Support Program. The purpose of the program is to provide funds for roads, rail facilities, or other means for the conveyance or shipment of goods through a seaport, thereby enabling the state to respond to private sector market demands and meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities. The department may provide funds to assist with local government projects or projects performed by private entities that meet the public purpose of enhancing transportation facilities for the conveyance or shipment of goods through a seaport to or from an intermodal logistics center.”
 - For the purposes of this section, "intermodal logistics center," including, but not limited to, an "inland port," means a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09.

- The department must consider, but is not limited to, the following criteria when evaluating projects for Intermodal Logistics Center Infrastructure Support Program assistance:
 - (a) The ability of the project to serve a strategic state interest.
 - (b) The ability of the project to facilitate the cost-effective and efficient movement of goods.
 - (c) The extent to which the project contributes to economic activity, including job creation, increased wages, and revenues.
 - (d) The extent to which the project efficiently interacts with and supports the transportation network.
 - (e) A commitment of a funding match.
 - (f) The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
 - (g) The extent to which the owner has commitments, including memorandums of understanding or memorandums of agreements, with private sector businesses planning to locate operations at the intermodal logistics center.
 - (h) Demonstrated local financial support and commitment to the project.”
- “The department shall coordinate and consult with the Department of Economic Opportunity in the selection of projects to be funded by this program.”
- “The department is authorized to administer contracts on behalf of the entity selected to receive funding for a project under this section.”
- “The department shall provide up to 50 percent of project costs for eligible projects.”
- “Beginning in fiscal year 2012-2013, up to \$5 million per year shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program developed pursuant so s. 1536 339.135(4).”

Section 14 (s. 311.14, F.S.)

- **Directs FDOT to develop, in coordination with certain partners, a Statewide Seaport and Waterways System Plan consistent with the goals of the Florida Transportation Plan (FTP). Provides requirements for the plan and removes provisions for the FSTED Council to develop freight-mobility and trade-corridor plan. Removes provisions that require the Office of the State Public Transportation Administrator to integrate the FTP with certain other plans and programs and provisions relating to the construction of seaport freight-mobility projects.**

- “The Department of Transportation shall develop, in coordination with the ports listed in s. 311.09(1) and other partners, a Statewide Seaport and Waterways System Plan. This plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155 and shall consider needs identified in individual port master plans and those from the seaport strategic plans required under this section. The plan will identify 5-year, 10-year, and 20-year needs for the seaport system and will include seaport, waterway, road, and rail projects that are needed to ensure the success of the transportation system as a whole in supporting state economic development goals.”

Section 16 (s. 316.091, F.S.)

- **Permits the use of shoulders for vehicular traffic under certain circumstances and requires notice of where vehicular traffic is allowed. Requires FDOT to establish a pilot program to open certain limited access highways and bridges to bicycles and other human-powered vehicles and provides requirements and a timeframe for the pilot program. Authorizes FDOT to continue or expand the program and requires FDOT to report findings and recommendations to the Governor and Legislature by a certain date.**
 - “No person shall operate a bicycle or other human-powered vehicle on the roadway or along the shoulder of a limited access highway, including bridges, unless official signs and a designated, marked bicycle lane are present at the entrance of the section of highway indicating that such use is permitted pursuant to a pilot program of the Department of Transportation.”
 - “The Department of Transportation and expressway authorities are authorized to designate use of shoulders of limited access facilities and interstate highways under their jurisdiction for such vehicular traffic determined to improve safety, reliability, and transportation system efficiency. Appropriate traffic signs or dynamic lane control signals shall be erected along those portions of the facility affected to give notice to the public of the action to be taken, clearly indicating when the shoulder is open to designated vehicular traffic. This section may not be deemed to authorize such designation in violation of any federal law or any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds, expressway authority bonds, or other bonds.”
 - “The Department of Transportation shall establish a 2-year pilot program, in three separate urban areas, in which it shall erect signs and designate marked bicycle lanes indicating highway approaches and bridge segments of limited access highways as open to use by operators of bicycles and other human-powered vehicles, under the following conditions:
 - (a) The limited access highway approaches and bridge segments chosen must cross a river, lake, bay, inlet, or surface water where no street or highway crossing the water body is available for use within 2 miles of the entrance to the limited access facility measured along the shortest public right-of-way.

(b) The Department of Transportation, with the concurrence 1684 of the Federal Highway Administration on the interstate facilities, shall establish the three highway approaches and bridge segments for the pilot project by October 1, 2012. In selecting the highway approaches and bridge segments, the 1688 Department of Transportation shall consider, without limitation, a minimum size of population in the urban area within 5 miles of the highway approach and bridge segment, the lack of bicycle access by other means, cost, safety, and operational impacts.

(c) The Department of Transportation shall begin the pilot program by erecting signs and designating marked bicycle lanes indicating highway approaches and bridge segments of limited access highways, as qualified by the conditions described in this subsection, as open to use by operators of bicycles and other human-powered vehicles no later than March 1, 2013.

(d) The Department of Transportation shall conduct the pilot program for a minimum of 2 years following the implementation date.

(e) The Department of Transportation shall submit a report of its findings and recommendations from the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1, 2015. The report shall include, at a minimum, bicycle crash data occurring in the designated segments of the pilot program, usage by operators of bicycles and other human-powered vehicles, enforcement issues, operational impacts, and the cost of the pilot program.”

Section 18 (s. 316.2068, F.S.)

- **Allows local governments to regulate the use of Segways or other similar devices on sidewalks.**
 - “A county or municipality may regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation is necessary in the interest of safety.”

Section 20 (s. 320.01, F.S.)

- **Increases the number of low-speed vehicles that may be operated on certain public streets by revising the definition of low-speed vehicles to include gasoline-fueled vehicles.**
 - “Low-speed vehicle” means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles.”

Section 22 (s. 334.03, F.S.)

- **Repeals the definition of “Florida Intrastate Highway System. Refers the definition of “Functional Classification” to federal law and updates the definition of the “State Highway System” to conform to current roadway functional classifications.**
 - “Functional classification” means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration.”
 - "State Highway System" means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.”

Section 23 (s. 334.044, F.S.)

- **Revises FDOT powers and duties relating to highway landscaping, including preventing the use of funds for landscaping associated with resurfacing projects and requiring that 1.5% of funds used for landscaping on construction contracts be calculated on a statewide basis.**
 - “No less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials. Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee.”
- **Requires FDOT to develop a Freight Mobility and Trade Plan. Requires the plan to include certain proposed policies and investments and that the plan to be submitted to the Governor and Legislature. Further requires freight issues to be emphasized in transportation plans.**
 - “The department shall have the following general powers and duties ... To develop, in coordination with its partners and stakeholders, a Freight Mobility and Trade Plan to assist in making freight mobility investments that contribute to the economic growth of the state. Such plan should enhance the integration and connectivity of the transportation system across and between transportation modes throughout the state. The department shall deliver the Freight Mobility and Trade Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2013.”

- “The Freight Mobility and Trade Plan shall include, but need not be limited to, proposed policies and investments that promote the following:
 1. Increasing the flow of domestic and international trade through the state's seaports and airports, including specific policies and investments that will recapture cargo currently shipped through seaports and airports located outside the state.
 2. Increasing the development of intermodal logistic centers in the state, including specific strategies, policies, and investments that capitalize on the empty backhaul trucking and rail market in the state.
 3. Increasing the development of manufacturing industries in the state, including specific policies and investments in transportation facilities that will promote the successful development and expansion of manufacturing facilities.
 4. Increasing the implementation of compressed natural gas (CNG), liquefied natural gas (LNG), and propane energy policies that reduce transportation costs for businesses and residents located in the state.”
- “Freight issues and needs shall also be given emphasis in all appropriate transportation plans, including the Florida Transportation Plan and the Strategic Intermodal System Plan.”

Section 26 (s. 335.17, F.S.)

- **Clarifies requirements of FDOT to use noise abatement on new capacity projects.**
 - “The department shall make use of noise-control methods as part of highway construction projects involving new location or capacity expansion, with particular emphasis on those highways located in or near urban-residential developments which abut such highway rights-of-way.”

Section 27 & 28 (s. 336.021 & 336.025, F.S.)

- **Extends the date on which the ninth cent fuel tax and the local option fuel tax must be levied from before July 1 to before October 1. Expands the allowable use of the revenues collected by the tax to include the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.**
 - “...levy of ninth-cent fuel tax on motor fuel and diesel fuel ... All impositions of the tax shall be levied before October 1 of each year to be effective January 1 of the following year.”

- "...levy of local option fuel tax on motor fuel and diesel fuel ... All impositions and rate changes of the tax shall be levied before October 1 to be effective January 1 of the following year for a period not to exceed 30 years..."
- "For the purposes of this section, "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:
 - (a) Public transportation operations and maintenance.
 - (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
 - (c) Roadway and right-of-way drainage.
 - (d) Street lighting installation, operation, maintenance, and repair.
 - (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
 - (f) Bridge maintenance and operation.

Section 34 (s. 337.29, F.S.)

- **Allows local governments to transfer right of way by deed instead of using maps, in order to reduce the cost of the transfer.**
 - "Title to all roads transferred in accordance with s. 335.0415 shall be in the governmental entity to which such roads have been transferred, upon the recording of a deed or a right-of-way map by the appropriate governmental entity in the public land records of the county or counties in which such rights-of-way are located..."

Section 37 (s. 337.408, F.S.)

- **Regulates certain facilities installed within the rights-of-way limits on the State Highway System, but under local government control, so as to relieve FDOT's liability in certain lawsuits under the Americans with Disabilities Act.**
 - "...All installations shall be in compliance with all applicable laws and rules, including, without limitation, the Americans with Disabilities Act. Municipalities and counties that authorize or have authorized a bench or transit shelter to be installed within the right-of-way limits of any road on the State Highway System shall be responsible for ensuring that the bench or transit shelter complies with all applicable laws and rules, including, without limitation, the Americans with Disabilities Act, or shall remove the bench or transit shelter. The department shall have no liability for any claims, losses, costs, charges, expenses, damages, liabilities, attorney fees, or court costs relating to the installation, removal, or relocation of any benches or transit shelters authorized by a municipality or

- county. On and after July 1, 2012, a municipality or county that authorizes a bench or transit shelter to be installed within the right-of-way limits of any road on the State Highway System must require the qualified private supplier, or any other person under contract to install the bench or transit shelter, to indemnify, defend, and hold harmless the department from any suits, actions, proceedings, claims, losses, costs, charges, expenses, damages, liabilities, attorney fees, and court costs relating to the installation, removal, or relocation of such installations, and shall annually certify to the department in a notarized signed statement that this requirement has been met. The certification shall include the name and address of each person responsible for indemnifying the department for an authorized installation. Municipalities and counties that have authorized the installation of benches or transit shelters within the right-of-way limits of any road on the State Highway System must remove or relocate, or cause the removal or relocation of, the installation at no cost to the department within 60 days after written notice by the department that the installation is unreasonably interfering in any way with the convenient, safe, or continuous use of or the maintenance, improvement, extension, or expansion of the State Highway System road.”
- “The department has the authority to direct the immediate relocation or removal of any bus stop, bench, transit shelter, waste disposal receptacle, public pay telephone, or modular news rack that endangers life or property or that is otherwise not in compliance with applicable laws and rules, except that transit bus benches that were placed in service before April 1, 1992, are not required to comply with bench size and advertising display size requirements established by the department before March 1, 1992.”
 - “A bus stop, bench, transit shelter, waste disposal receptacle, public pay telephone, or modular news rack, or advertising thereon, may not be erected or placed on the right-of-way of any road in a manner that conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bus stop, bench, transit shelter, waste disposal receptacle, public pay telephone, or modular news rack services or advertising on such benches, shelters, receptacles, public pay telephone, or news racks may be regulated, restricted, or denied by the appropriate local government entity consistent with this section.”

Section 38 (s. 338, F.S.)

- **Revises the title of Chapter 338 to “LIMITED ACCESS AND TOLL FACILITIES.”**

Section 39 (s. 338.001, F.S.)

- **Repeals sections of Florida Statute relating to the Florida Intrastate Highway System (FIHS).**

Section 40 & 41 (s. 338.01 & creates 338.151, F.S.)

- **Relocates provision from repealed 338.001 governing the designation and function of limited access facilities. Establishes FDOT’s authority to establish tolls on certain future limited access facilities on the State Highway System and, along with other toll authorities, to pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled.**
 - “The department may establish limited access facilities as provided in s. 335.02. The primary function of such limited access facilities shall be to allow high-speed and high-volume traffic movements within the state. Access to abutting land is subordinate to this function, and such access must be prohibited or highly regulated.”
 - “The department, or other governmental entity responsible for the collection of tolls, may pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled by contracting with a private attorney who is a member in good standing with The Florida Bar or a collection agent who is registered and in good standing pursuant to chapter 559. A collection fee in an amount that is reasonable within the collection industry, including any reasonable attorney fees, may be added to the delinquent amount collected by any attorney or collection agent retained by the department or other governmental entity. The requirements of s. 287.059 do not apply to private attorney services procured under this section.”
 - “... the department may establish tolls on new limited access facilities on the State Highway System, lanes added to existing limited access facilities on the State Highway System, new major bridges on the State Highway System over waterways, and replacements for existing major bridges on the State Highway System over waterways to pay, fully or partially, for the cost of such projects. Except for high-occupancy vehicle lanes, express lanes, the turnpike system, and as otherwise authorized by law, the department may not establish tolls on lanes of limited access facilities that exist on July 1, 2012, unless tolls were in effect for the lanes prior to that date. The authority provided in this section is in addition to the authority provided under the Florida Turnpike Enterprise Law and s. 338.166.”

Section 42 (s. 338.155, F.S.)

- **Authorizes FDOT to adopt rules to allow public transit vehicles and certain military service related funeral processions to use certain toll facilities without payment of tolls.**
 - “With respect to toll facilities managed by the department, the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.”

Section 43 (s. 338.161, F.S.)

- **Authorizes FDOT to contract with other entities to make use of the department's toll collection and billing systems on non-FDOT transportation systems.**
 - “If the department finds that it can increase non-toll revenues or add convenience or other value for its customers, the department is authorized to enter into agreements with private or public entities for the department's use of its electronic toll collection and video billing systems to collect tolls, fares, administrative fees, and other applicable charges imposed in connection with transportation facilities of the private or public entities that become interoperable with the department's electronic toll collection system. The department may modify its rules regarding toll collection procedures and the imposition of administrative charges to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by the department. This paragraph may not be construed to limit the authority of the department under any other provision of law or under any agreement entered into prior to July 1, 2012.”

Section 44 (s. 338.166, F.S.)

- **Allows for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage.**
 - “Under s. 11, Art. VII of the State Constitution, the department may request the Division of Bond Finance to issue bonds secured by toll revenues collected on high-occupancy toll lanes or express lanes established on facilities owned by the department.”
 - “Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.”

Section 45 (s. 338.221, F.S.)

- **Revises the definition of a turnpike project's economic feasibility by extending the date of project debt defeasance payable from toll revenues from the 22nd to the 30th year.**
 - "Economically feasible" means:
 - (a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of the 12th year of operation and to pay at

least 100 percent of the debt service on the bonds by the end of the 30th year of operation.”

Section 46 (s. 338.223, F.S.)

- **Allows the Turnpike Enterprise to seek Legislative approval of projects at 30 percent design completion, rather than the current 60 percent to more fully leverage the potential time and cost saving opportunities associated with design-build projects.**
 - “The department may not request legislative approval of a proposed turnpike project until the design phase of that project is at least 30 percent complete.”

Section 53 (s. 339.135, F.S.)

- **Increases the dollar thresholds which trigger gubernatorial and legislative notification of amendments to FDOT’s Work Program. Directs FDOT to index budget amendment thresholds to the consumer price index.**
 - “The department may amend the adopted work program to transfer fixed capital outlay appropriations for projects within the same appropriations category or between appropriations categories, including the following amendments ...:
 1. Any amendment which deletes any project or project phase estimated to cost over \$150,000;
 2. Any amendment which adds a project estimated to cost over \$500,000 in funds appropriated by the Legislature;
 3. Any amendment which advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over \$1.5 million in funds appropriated by the Legislature, except an amendment advancing a phase by 1 year to the current fiscal year or deferring a phase for a period of 90 days or less; or
 4. Any amendment which advances or defers to another fiscal year, any preliminary engineering phase or design phase estimated to cost over \$500,000 in funds appropriated by the Legislature, except an amendment advancing a phase by 1 year to the current fiscal year or deferring a phase for a period of 90 days or less.”
 - “Beginning July 1, 2013, the department shall index the budget amendment threshold amounts established in this paragraph to the Consumer Price Index or similar inflation indicators. Threshold adjustments for inflation under this paragraph may be made no more frequently than once a year. Adjustments for inflation are subject to the notice and review procedures contained in s. 216.177.”

Section 55 (s. 339.175, F.S.)

- **Provides that, to the extent possible, only one MPO be designated in an urbanized area or group of contiguous urbanized areas. Further provides that if more than one MPO exists, the MPOs must coordinate in the development of regionally significant project priorities. Provides that representatives of the FDOT serve as nonvoting advisers to an MPO and authorizes the appointment of additional nonvoting advisers.**
 - “To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate.”
 - “Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary ... All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board.”
 - “Where more than one M.P.O. exists in an urbanized area, the M.P.O.'s shall coordinate in the development of regionally significant project priorities.”

Section 56 (s. 339.2819, F.S.)

- **Changes state matching funds to be “up to” 50% of project costs under the Transportation Regional Incentive Program (TRIP) and directs FDOT to consider the amount of local funding available when prioritizing TRIP projects. Requires TRIP projects to be included in the FDOT Work Program and prohibits FDOT from programming a TRIP project unless the project meets program requirements.**
 - “The percentage of matching funds provided from the Transportation Regional Incentive Program shall be up to 50 percent of project costs.”
 - “Projects funded under this section shall be included in the department's work program developed pursuant to s. 339.135. The department may not program a project to be funded under this section unless the project meets the requirements of this section.”
 - “The department shall also consider the extent to which local matching funds are available to be committed to the project.”

Section 58 (s. 339.63, F.S.)

- **Adds military access facilities to the types of facilities included in the Strategic Intermodal System (SIS) and emerging SIS. Designates Integrated Logistics Centers (ILCs) as part of the SIS and waives transportation concurrency requirements for ILCs that meet certain criteria.**
 - “The Strategic Intermodal System and the Emerging Strategic Intermodal System include five different types of facilities that each form one component of an interconnected transportation system which types include ... Existing or planned military access facilities that are highways or rail lines linking Strategic Intermodal System corridors to the state's strategic military installations.”
 - “The Secretary of Transportation shall designate a planned facility as part of the Strategic Intermodal System upon request of the facility if it meets the criteria and thresholds established by the department pursuant to subsection (4), meets the definition of an "intermodal logistics center" as defined in s. 311.101(2), and has been designated in a local comprehensive plan or local government development order as an intermodal logistics center or an equivalent planning term.”
 - “A facility designated part of the Strategic Intermodal System pursuant to paragraph (a) that is within the jurisdiction of a local government that maintains a transportation concurrency system shall receive a waiver of transportation concurrency requirements applicable to Strategic Intermodal System facilities in order to accommodate any development at the facility which occurs pursuant to a building permit issued on or before December 31, 2017, but only if such facility is located:
 1. Within an area designated pursuant to s. 288.0656(7) as a rural area of critical economic concern;
 2. Within a rural enterprise zone as defined in s. 290.004(5); or
 3. Within 15 miles of the boundary of a rural area of critical economic concern or a rural enterprise zone.”

Section 59 (s. 339.64, F.S.)

- **Deletes provisions creating the Statewide Intermodal Transportation Advisory Council.**

Section 60 (s. 339.65, F.S.)

- **Requires FDOT to plan and develop for Strategic Intermodal System highway corridors to aid traffic movement around the state. Provides for components of the corridors and requires FDOT to follow specified policy guidelines when developing the corridors. Directs FDOT to establish standards and criteria for functional design and requires such highway corridor projects to be a part of the adopted work program.**

- “The department shall plan and develop Strategic Intermodal System highway corridors, including limited and controlled access facilities, allowing for high-speed and high-volume traffic movements within the state. The primary function of the corridors is to provide such traffic movements. Access to abutting land is subordinate to this function, and such access must be prohibited or highly regulated.”
- “Strategic Intermodal System highway corridors shall include facilities from the following components of the State Highway System that meet the criteria adopted by the department pursuant to s. 339.63:
 - (a) Interstate highways.
 - (b) The Florida Turnpike System.
 - (c) Interregional and intercity limited access facilities.
 - (d) Existing interregional and intercity arterial highways previously upgraded or upgraded in the future to limited access or controlled access facility standards.
 - (e) New limited access facilities necessary to complete a balanced statewide system.”
- The department shall adhere to the following policy guidelines in the development of Strategic Intermodal System highway corridors. The department shall:
 - (a) Make capacity improvements to existing facilities where feasible to minimize costs and environmental impacts.
 - (b) Identify appropriate arterial highways in major transportation corridors for inclusion in a program to bring these facilities up to limited access or controlled access facility standards.
 - (c) Coordinate proposed projects with appropriate limited access projects undertaken by expressway authorities and local governmental entities.
 - (d) Maximize the use of limited access facility standards when constructing new arterial highways.
 - (e) Identify appropriate new limited access highways for inclusion as a part of the Florida Turnpike System.
 - (f) To the maximum extent feasible, ensure that proposed projects are consistent with approved local government comprehensive plans of the local jurisdictions in which such facilities are to be located and with the transportation improvement program of any metropolitan planning organization where such facilities are to be located.”
- “The department shall develop and maintain a plan of Strategic Intermodal System highway corridor projects that are anticipated to be let to contract for construction within a time period of at least 20 years. The plan shall also identify

when segments of the corridor will meet the standards and criteria developed pursuant to subsection (5).”

- “The department shall establish the standards and criteria for the functional characteristics and design of facilities proposed as part of Strategic Intermodal System highway corridors.”
- “For the purposes of developing the proposed Strategic Intermodal System highway corridors, beginning in fiscal year 2012-2013 and for each fiscal year thereafter, the minimum amount allocated shall be based on the fiscal year 2003-2004 allocation of \$450 million adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for fiscal year 2003-2004.”
- “Any project to be constructed as part of a Strategic Intermodal System highway corridor shall be included in the department's adopted work program. Any Strategic Intermodal System highway corridor projects that are added to or deleted from the previous adopted work program, or any modification to Strategic Intermodal System highway corridor projects contained in the previous adopted work program, shall be specifically identified and submitted as a separate part of the tentative work program.”

Sections 62 through 64 (s. 343.52, 343.53 & 343.54 , F.S.)

- **Revises the definition of the term "area served" for purposes of provisions for the South Florida Regional Transportation Authority and revises a provision for expansion of the area. Adjusts membership of and criteria for appointment to the board of the South Florida Regional Transportation Authority. Requires a two-thirds vote of the board to privatize certain functions. Revises a provision authorizing the authority to expand its service area.**

- “Area served” means Miami-Dade, Broward, and Palm Beach Counties. However, this area may be expanded by mutual consent of the authority and the board of county commissioners of Monroe County. The authority may not expand into any additional counties without the department's prior written approval.”
- “The governing board of the authority shall consist of 10 voting members...”
- The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers ... To privatize any of the administrative functions of the authority existing as of July 1, 2012, by contracting with a private entity or entities to perform any or all of those functions, which shall require a two-thirds vote of the entire membership of the board.”
- “The authority, by a resolution of its governing board, may expand its service area into Monroe County ... The authority shall not expand into any county other than Monroe County without the department's prior written approval.”

Section 68 (creates s. 347.215, F.S.)

- **Authorizes a county to operate a ferry by a single party or multiple parties under a joint agreement between public entities and one or more private corporations.**
 - “The county commission of any county that has granted a license to operate a ferry in the county may authorize the operation of such ferry by a single party or multiple parties under a joint agreement between the appropriate public entities and one or more private corporations conducting business in the state.”

Section 74 (s. 373.413, F.S.)

- **Allows flexibility in the permitting of stormwater treatment facilities for transportation facilities due to their linear nature and allows alternatives to onsite treatment and removes FDOT’s responsibility for providing stormwater treatment for adjacent landowners’ stormwater permits.**
 - “It is the intent of the Legislature that the governing board or department exercise flexibility in the permitting of stormwater management systems associated with the construction or alteration of systems serving state transportation projects and facilities. Because of the unique limitations of linear facilities, the governing board or department shall balance the expenditure of public funds for stormwater treatment for state transportation projects and facilities with the benefits to the public in providing the most cost-efficient and effective method of achieving the treatment objectives. In consideration thereof, the governing board or department shall allow alternatives to onsite treatment, including, but not limited to, regional stormwater treatment systems. The Department of Transportation is responsible for treating stormwater generated from state transportation projects but is not responsible for the abatement of pollutants and flows entering its stormwater management systems from offsite sources; however, this subsection does not prohibit the Department of Transportation from receiving and managing such pollutants and flows when cost effective and prudent. Further, in association with right-of-way acquisition for state transportation projects, the Department of Transportation is responsible for providing stormwater treatment and attenuation for the acquired right-of-way but is not responsible for modifying permits for adjacent lands affected by right-of-way acquisition when it is not the permittee. The governing board or department may establish, by rule, specific criteria to implement the management and treatment alternatives and activities under this subsection.”

Section 79 (no statute number specified)

- **Directs the Florida Transportation Commission to study the potential cost savings made available by sharing certain resources between expressway authorities.**
 - “The Florida Transportation Commission shall conduct a study of the potential for cost savings that might be realized through increased efficiencies through the sharing of resources for the accomplishment of design, construction, and maintenance activities by or on behalf of expressway authorities in the state. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by December 31, 2012. In conducting the study, the commission shall seek input from the existing expressway authorities.”

Section 81 (no statute number specified)

- **Creates a study of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority’s (TBARTA’s) Regional Transportation Master Plan.**
 - “It is the intent of the Legislature to encourage and facilitate a review by the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA's) Regional Transportation Master Plan. The Legislature finds that such improvements and efficiencies can best be achieved through a joint review, evaluation, and recommendations by the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority.”
 - “The governing bodies or a designated subcommittee of both the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority shall hold a joint meeting within 30 days after July 1, 2012, and as often as deemed necessary thereafter, in order to consider and identify opportunities for greater efficiency and service improvements, including specific methods for increasing service connectivity between the jurisdictions of each agency. The elements to be reviewed must also include:

- (a) Governance structure, including governing board membership, terms, responsibilities, officers, powers, duties, and responsibilities;
 - (b) Funding options and implementation;
 - (c) Facilities ownership and management;
 - (d) Current financial obligations and resources; and
 - (e) Actions to be taken that are consistent with the Tampa Bay Area Regional Transportation Authority's master plan.
- “The Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority shall jointly submit a report to the Speaker of the House of Representatives and the President of the Senate on the elements described in this section by February 1, 2013. The report must include proposed legislation to implement each recommendation and specific recommendations concerning the reorganization of each agency, the organizational merger of both agencies, or the consolidation of functions within and between each agency.”
 - “The Tampa Bay Area Regional Transportation Authority shall assist and facilitate the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority in carrying out the purposes of this section. The Tampa Bay Area Regional Transportation Authority shall provide technical assistance and information regarding its master plan, make recommendations for achieving consistency and improved regional connectivity, and provide support to the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority in the preparation of their joint report and recommendations to the Legislature. For this purpose, the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority shall reimburse the Tampa Bay Area Regional Transportation Authority for necessary and reasonable expense in a total amount not to exceed \$100,000.”

Section 98 (s. 316.0083, F.S.)

- **Provides an additional defense for certain red-light traffic infractions. Provides for the dismissal of a uniform traffic citation for a red-light violation when the motor vehicle owner is deceased and an affidavit with specified supporting documents is filed with the issuing agency.**
 - “The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that ... The motor vehicle's owner was deceased on or before the date that the uniformed traffic citation was issued as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other designated person or family member.”
 - “If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death

certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- (I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold after his or her death but on or before the date of the alleged violation.
 - (II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department on or before the date of the alleged violation.
 - (III) A copy of a police report showing the deceased owner's registered license plate or motor vehicle was stolen after the owner's death but on or before the date of the alleged violation.
- “Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.”

Section 100 (s. 338.165, F.S.)

- **Transfers the Beachline-East Expressway to the Turnpike Enterprise and allocates funds from such transfer to pay for FDOT’s obligation to fund the Wekiva Parkway.**
 - “The department's Beachline-East Expressway may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. Any funds expended by Florida Turnpike Enterprise for the acquisition of the Beachline-East Expressway shall be deposited into the State Transportation Trust Fund, and, notwithstanding any other law to the contrary, such funds shall first be allocated by the department to fund the department's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.”

Section 104 (s. 369.317, F.S.)

- **Clarifies that the Florida Department of Environmental Protection (FDEP) is the sole environmental permitting authority for the Wekiva Parkway and that FDOT shall locate the precise corridor alignment in Seminole County.**
 - “For those activities associated with the Wekiva Parkway and related transportation facilities which require authorization pursuant to part IV of chapter

373, the Department of Environmental Protection is the exclusive permitting authority.”

- In Seminole County, the Department of Transportation shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the legislative intent expressed in this act and other provisions of this act.

Sections 105 through 109 (s. 316.003, creates 316.85 and 319.145, F.S.)

- **Provides legislative intent and findings. Defines the terms “autonomous technology” and “autonomous vehicle.” Authorizes a person who possesses a valid driver license to operate an autonomous vehicle and specifies that the person who causes the vehicle’s autonomous technology to engage is the operator. Requires an autonomous vehicle registered in Florida to meet federal standards and regulations for a motor vehicle, specifies requirements for such a vehicle and provides for the application of specified federal regulations. Authorizes the operation of vehicles equipped with autonomous technology by certain persons for testing purposes under specified conditions. Requires an instrument of insurance, surety bond, or self-insurance prior to testing such a vehicle. Limits the liability of the original manufacturer of a vehicle converted to an autonomous vehicle. Directs the Department of Highway Safety and Motor Vehicles to prepare a report on the safe testing and operation of such vehicles and to submit that report to the Legislature.**
 - It is the intent of the Legislature to encourage the safe development, testing, and operation of motor vehicles with autonomous technology on the public roads of the state. The Legislature finds that the state does not prohibit or specifically regulate the testing or operation of autonomous technology in motor vehicles on public roads.
 - “...the term "autonomous technology" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.”
 - “AUTONOMOUS VEHICLE.—Any vehicle equipped with autonomous technology.”
 - “A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.”
 - “For purposes of this chapter, unless the context otherwise requires, a person shall be deemed to be the operator of an autonomous vehicle operating in autonomous

- mode when the person causes the vehicle's autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode.”
- “An autonomous vehicle registered in this state must continue to meet federal standards and regulations for a motor vehicle. The vehicle shall:
 - (a) Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.
 - (b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.
 - (c) Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.
 - (d) Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.”
 - Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede this section when found to be in conflict with this section.
 - “Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Prior to the start of testing in this state, the entity performing the testing must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.”
 - “The original manufacturer of a vehicle converted by a third party into an autonomous vehicle shall not be liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.”
 - “By February 12, 2014, the Department of Highway Safety and Motor Vehicles shall submit a report to the President of the Senate and the Speaker of the House of Representatives recommending additional legislative or regulatory action that may be required for the safe testing and operation of motor vehicles equipped with autonomous technology.”

Transportation Budget Conforming Bill (SB 1998)

(Note: Several sections of SB 1998 are also contained in HB 599. Those sections are not included in the following summary).

Sections 11 & 12 (s. 319.32, F.S.)

- **Increases (up to \$200 million annually) the amount of fees deposited into the State Transportation Trust Fund (STTF) from the proceeds of fees for original and duplicate certificates of title for motor vehicles. Specifies that collections in excess of that amount be paid into the General Revenue Fund. Further specifies the allocation and purposes of the funds received from increased fees.**
 - “Forty-seven dollars of each fee collected, except for fees charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. Deposits to the State Transportation Trust Fund pursuant to this paragraph may not exceed \$200 million in any fiscal year and any collections in excess of that amount during the fiscal year shall be paid into the General Revenue Fund.”
 - “Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a), Florida Statutes, made by this act must be used as follows, notwithstanding any other provision of law:
 - (1)(a) In the 2012-2013 fiscal year, \$200 million, or actual receipts up to \$200 million, shall be transferred to the General Revenue Fund. (b) The Department of Transportation shall transfer the actual receipts monthly to the General Revenue Fund. These transfers shall be made in the month following the deposit of those receipts into the State Transportation Trust Fund.
 - (2) Beginning in 2013-2014 fiscal year and annually for up to 30 years thereafter, \$10 million shall be for the purpose of funding any seaport project identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program. The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or other forms of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, the debt is not a general obligation of the state. The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal or impair or amend this subsection in any manner that will materially or adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. The proceeds of any bonds or other indebtedness secured by a pledge of the funding, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of

Transportation and included in the department's adopted work program, by amendment if necessary. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with ss. 311.07 and 320.20(3) and (4), Florida Statutes. Revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

(3) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.

(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159, Florida Statutes.

(5) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program, to be used as specified in s. 339.2818, Florida Statutes. These funds are in addition to the funds provided in s. 201.15(1)(c)1.b., Florida Statutes.

(6) After the distributions required pursuant to subsections (1)-(5), the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets."

Section 31 (creates s. 339.139, F.S.)

- **Declares that it is the policy of the state to manage transportation infrastructure financing in a way that ensures the fiscal integrity of the State Transportation Trust Fund. Requires that FDOT provide a debt and debtlike contractual obligations load report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees. Requires that the load report provide certain data and that FDOT manage levels of debt to ensure that no more than a certain percentage of revenues are committed. Provides exceptions that allow the limitation to be exceeded. Requires that FDOT prepare a report on debt obligations that are secured by and payable from pledged revenues and provide the report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees.**

- “It is the policy of the state to manage the financing of transportation infrastructure in a manner that ensures the fiscal integrity of the State Transportation Trust Fund.”
- “The department shall provide a debt and debtlike contractual obligations load report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees in conjunction with the tentative work program required under s. 339.135. The debt and debtlike contractual obligations load report must include the following data on current and planned department commitments that are payable from the State Transportation Trust Fund:
 - (a) Debt service payments that are required to be made under any resolution for the issuance of bonds secured by a lien on federal highway aid reimbursements or motor fuel and diesel fuel taxes.
 - (b) Funding for seaports which has been pledged to the payment of principal and interest on bonds issued by the Florida Ports Financing Commission pursuant to s. 320.20.
 - (c) Commitments of the department to pay the costs of operating, maintaining, repairing, and rehabilitating expressway and bridge systems under the terms of lease-purchase agreements which are enforceable by the holders of bonds issued by expressway and bridge authorities pursuant to chapter 348.
 - (d) Availability, milestone, and final acceptance payments that are required by public-private partnerships pursuant to s. 334.30 and that are not payments for the cost of operation or maintenance of a facility.
 - (e) Agreed-on payments to a department contractor for work performed in the current fiscal year for which payment is deferred to a later fiscal year pursuant to s. 334.30.
 - (f) Reimbursements to local governments for work performed on a project if the reimbursement is deferred to a later fiscal year pursuant to s. 339.12.
 - (g) Loan repayments on state infrastructure bank loans extended to a department district pursuant to s. 339.55.”
- “The department shall manage all levels of debt to ensure that by the beginning of the 2017–2018 fiscal year, not more than 20 percent of total projected available state and federal revenues from the State Transportation Trust Fund, together with any local funds committed to department projects, are committed to the obligations identified in subsection (2) in any year.”
- “If the department believes that a critical project would justify exceeding the limitation established in this section, the department shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees. The notification must identify the critical project and the projected impact on the department’s total debt load. The department may proceed with the project upon approval by the Governor. If either chair of the legislative appropriations committees, the President of the

Senate, or the Speaker of the House of Representatives objects in writing to a proposed project within 14 days after submittal of a department request to exceed debt limits and specifies the reasons for such objection, the Governor may not approve the project.”

- “The department shall prepare a separate report on debt obligations that are secured by and payable solely from pledged revenues. The department shall provide the report on pledged revenue debt to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees in conjunction with the tentative work program required under s. 339.135.”

Sections 32 & 33 (creates s. 339.2821, F.S.)

- **Authorizes FDOT, in consultation with the Department of Economic Opportunity (DEO), to make and approve expenditures and enter into contracts with an appropriate governmental body for the direct costs of transportation projects. Authorizes DEO and the Department of Environmental Protection (DEP) to review and comment on recommended transportation projects. Provides criteria that FDOT must follow when reviewing a contract for approval and criteria for the transportation contract with a governmental body. States that Space Florida may serve as a governmental body or as a contracting agency for transportation projects within spaceport territory. Requires each governmental body to submit a financial audit by an independent certified public accountant to the department. Requires that FDOT monitor each construction site receiving funding. Assigns and transfers the rights and obligations of the DEO under certain contracts to FDOT and requires that the contracts to be administered FDOT.**
 - “The department, in consultation with the Department of Economic Opportunity, may make and approve expenditures and contract with the appropriate governmental body for the direct costs of transportation projects. The Department of Economic Opportunity and the Department of Environmental Protection may formally review and comment on recommended transportation projects, although the department has final approval authority for any project authorized under this section.”
 - The department, in consultation with the Department of Economic Opportunity, shall review each transportation project for approval and funding. In the review, the department must consider:
 - (a) The cost per job created or retained considering the amount of transportation funds requested;
 - (b) The average hourly rate of wages for jobs created;
 - (c) The reliance on any program as an inducement for determining the transportation project’s location;

- (d) The amount of capital investment to be made by a business;
- (e) The demonstrated local commitment;
- (f) The location of the transportation project in an enterprise zone as designated in s. 290.0055;
- (g) The location of the transportation project in a spaceport territory as defined in s. 331.304;
- (h) The unemployment rate of the surrounding area; and
- (i) The poverty rate of the community.”
- The department may contact any agency it deems appropriate for additional information regarding the approval of a transportation project. A transportation project must be approved by the department to be eligible for funding.”
- “The department must approve a transportation project if it determines that the transportation project will:
 1. Attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state.
 2. Allow for the construction or expansion of a state or federal correctional facility in a county having a population of 75,000 or fewer which creates new employment opportunities or expands or retains employment in the county.”
- “In addition to administrative costs and equipment purchases specified in the contract, funds for approved transportation projects may be used for expenses that are necessary for building new, or improving existing, transportation facilities. Funds made available pursuant to this section may not be expended for the relocation of a business from one community to another community in this state unless the department determines that, without the relocation, the business will move outside the state or determines that the business has a compelling economic reason for the relocation, such as creating additional jobs.”
- “A contract between the department and a governmental body for a transportation project must:
 - (a) Specify that the transportation project is for the construction of a new or expanding business and specify the number of full-time permanent jobs that will result from the project.
 - (b) Identify the governmental body and require that the governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or rules unless the transportation project can be constructed using existing local governmental employees within the contract period specified by the department.
 - (c) Require that the governmental body provide the department with quarterly progress reports...

(d) Require that the governmental body make and maintain records in accordance with accepted governmental accounting principles and practices for each progress payment made for work performed in connection with the transportation project, each change order executed by the governmental body, and each payment made pursuant to a change order. The records are subject to financial audit as required by law.

(e) Require that the governmental body, upon completion and acceptance of the transportation project, certify to the department that the transportation project has been completed in compliance with the terms and conditions of the contract between the department and the governmental body and meets the minimum construction standards established in accordance with s. 336.045.

(f) Specify that the department transfer funds to the governmental body not more often than quarterly, upon receipt of a request for funds from the governmental body and consistent with the needs of the transportation project. The governmental body shall expend funds received from the department in a timely manner. The department may not transfer funds unless construction has begun on the facility of a business on whose behalf the award was made. A contract totaling less than \$200,000 is exempt from the transfer requirement.

(g) Require that funds be used only on a transportation project that has been properly reviewed and approved in accordance with the criteria set forth in this section.

(h) Require that the governing board of the governmental body adopt a resolution accepting future maintenance and other attendant costs occurring after completion of the transportation project if the transportation project is constructed on a county or municipal system.”

- “For purposes of this section, Space Florida may serve as the governmental body or as the contracting agency for a transportation project within spaceport territory as defined by s. 331.304.”
- “Each governmental body receiving funds under this section shall submit to the department a financial audit of the governmental body conducted by an independent certified public accountant. The department, in consultation with the Department of Economic Opportunity, shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.”
- “The department shall monitor the construction or building site for each transportation project that receives funding under this section, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.”
- “In order to implement sections 1 and 32 of this act, which transfer the responsibility of administering economic development transportation projects from the Department of Economic Opportunity to the Department of Transportation, with minimal disruption of services, the Department of Economic Opportunity shall transfer the following to the Department of Transportation:

- (1) All powers, duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, or other funds relating to the Economic Development Transportation program.
- (2) Any unexpended balances of released appropriations and appropriations that remain unreleased, and any funds remaining in the Economic Development Trust Fund relating to economic development transportation projects.
- (3) Any binding contract or interagency agreement in effect between the Department of Economic Opportunity and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department responsible for the program.”

Section 34 (creates s. 339.2825, F.S.)

- **Requires that FDOT provide a summary of a proposed public-private proposal to the Governor and authorizes FDOT to proceed with a project upon approval by the Governor, unless the Governor is prohibited from approving the project based on specified objections from specified members of the Legislature.**
 - “Before the department solicits proposals pursuant to s. 334.30 to advance a project programmed in the adopted 5-year work program or in the 10-year Strategic Intermodal Plan using funds provided by a public-private partnership or a private entity to be reimbursed from department funds for the project as programmed in the adopted work program, the department must provide a summary of the proposed project to the Executive Office of the Governor, the chair of each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives. The summary must include a description of any anticipated commitment by the department for the years outside the adopted work program, a description of the anticipated impacts on the department’s overall debt load, and sufficient information to demonstrate that the project will not cause the department to exceed the overall debt limitation provided in s. 339.139. The department may proceed with the project upon approval of the Governor. If the chair of either legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects to the proposed project in writing within 14 days after receipt of the summary, the Governor may not approve the project.”
 - “If the department receives an unsolicited proposal pursuant to s. 334.30 to advance a project programmed in the adopted 5-year work program or in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program, the department shall provide a summary of the proposed project to the Executive Office of the Governor, the chair of each legislative appropriations committee, the President of the Senate,

and the Speaker of the House of Representatives before the department advertises receipt of the proposal as provided in s. 334.30. The summary must include a description of any anticipated commitments by the department for the years outside the adopted work program, a description of any anticipated impacts on the department's overall debt load, and sufficient information to demonstrate that the project will not cause the department to exceed the overall debt limitation provided in s. 339.14. The department may not accept the unsolicited proposal, advertise receipt of the unsolicited proposal, or solicit other proposals for the same project purpose without the approval of the Executive Office of the Governor. If the chair of either legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects to the proposed project in writing within 14 days after receipt of the summary, the Executive Office of the Governor may not approve the proposed project.”

**Summary of Other Items of Interest to MPOs Included in Bills Passed by the 2012
Florida Legislature**

Sponsorship of State Greenways and Trails (SB 268)

Creates the “John Anthony Wilson Bicycle Safety Act.”

Section 2 (creates s. 260.0144, F.S.)

- **Authorizes the Florida Department of Environmental Protection (DEP) to enter into concession agreements for commercial sponsorship displays to be posted on certain state greenway and trail facilities or property. Provides requirements for those concession agreements. Specifies which greenways and trails are included in the initial sponsorships. Provides for distribution of proceeds from the concession agreements and authorizes DEP to adopt rules related to this program.**
 - “The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities or property specified in this section. The department may establish the cost for entering into a concession agreement.”
 - “Space for a commercial sponsorship display may be provided through a concession agreement on certain state-owned greenway or trail facilities or property
 - “Signage or displays erected under this section shall comply with the provisions of s. 337.407 and chapter 479, and shall be limited as follows:
 1. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.
 2. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.”
 - “Before installation, each name or sponsorship display must be approved by the department.”
 - “The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:
 - ...(Name of the sponsor)...proudly sponsors the costs of maintaining the...(Name of the greenway or trail)....”

- Sponsored state greenways and trails are authorized at the following facilities or property:
 1. Florida Keys Overseas Heritage Trail.
 2. Blackwater Heritage Trail.
 3. Tallahassee-St. Marks Historic Railroad State Trail.
 4. Nature Coast State Trail.
 5. Withlacoochee State Trail.
 6. General James A. Van Fleet State Trail.
 7. Palatka-Lake Butler State Trail.
- “The department may enter into commercial sponsorship agreements for other state greenways or trails as authorized in this section. A qualified entity that desires to enter into a commercial sponsorship agreement shall apply to the department on forms adopted by department rule.”
- “All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.”
- “A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days’ advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or any provision of this section.
- “Commercial sponsorship pursuant to a concession agreement is for public relations or advertising purposes of the not-for-profit entity or private sector business or entity, and may not be construed by that not-for-profit entity or private sector business or entity as having a relationship to any other actions of the department.”
- “This section does not create a proprietary or compensable interest in any sign, display site, or location.”
- “Proceeds from concession agreements shall be distributed as follows:
 - (a) Eighty-five percent shall be deposited into the appropriate department trust fund that is the source of funding for management and operation of state greenway and trail facilities and properties.
 - (b) Fifteen percent shall be deposited into the State Transportation Trust Fund for use in the Traffic and Bicycle Safety Education Program and the Safe Paths to School Program administered by the Department of Transportation.”

An Act Relating to the Pinellas Planning Council and the Pinellas County MPO (HB 869)

Section 3 (no statute number specified)

- **Reorganizes the council and sets forth the purpose of the council. Provides legislative intent that the countywide plan be broadly defined and policy-based. States that the primary focus of the council will be land use and transportation planning. Provides that the membership of the council shall be the same as that of the Pinellas County Metropolitan Planning Organization. Provides for the election of officers, meetings of the council, requirements of a quorum, and member expenses. Provides for the powers and duties of the council, including revising the required components of the countywide plan, consistent with the stated legislative intent. Provides for countywide staff and committees.**
 - “There is created a countywide planning and coordinating council to be known as the "Pinellas Planning Council," hereinafter referred to as the "council." The council shall have common membership and function as a single, unified board with the Pinellas County Metropolitan Planning Organization ("MPO").
 - “The Legislature recognizes the social and economic interdependence of the people residing within Pinellas County and the common interest they share in its future development. The Legislature recognizes the value of considering land use and transportation planning issues concurrently and of coordinating and implementing land use and transportation planning functions in an integrated manner. The Legislature also recognizes that individual plans and decisions heretofore made by local governments within the county have affected the welfare of the entire county as well as neighboring jurisdictions, and, therefore, the Legislature intends that the purpose of this act is to provide for:
 - (a) The formulation and execution by the council of the strategies necessary for the orderly growth, development, and environmental protection of Pinellas County as a whole, with the focus on those issues deemed to have an impact countywide.
 - (b) The coordination by the council of planning and development in Pinellas County with regional planning objectives in the Tampa Bay area as developed by such entities as the MPO, the Tampa Bay Regional Planning Council, the Tampa Bay Area Regional Transportation Authority ("TBARTA"), the Pinellas Suncoast Transit Authority ("PSTA"), the Department of Transportation ("DOT"), and the Department of Economic Opportunity ("DEO").”
 - “The Legislature further recognizes that the future of Pinellas County, its permanent residents, and the millions of tourists who annually visit the county is dependent upon the way the natural resources of land, air, and water are protected and impacted by the built environment and through the use and reuse of land to accommodate the urban development and redevelopment pattern, the transportation system that serves it, and other development activities that are guided by the countywide planning function.”

- “The Legislature intends for the development of a broadly defined, policy-based countywide plan that will focus on countywide issues related to future land use, transportation, and intergovernmental coordination.”
- “The Legislature further intends that this act provide for the coordination by the council of the transportation planning functions undertaken by the MPO with the council's land use planning functions, as expressed in this act, in a manner that more fully integrates these two functions in a complementary manner, as well as a means for the integration of the membership of the boards of the council and MPO, such that a single, unified board shall perform the functions of both the council and the MPO.”
- “The council shall be composed of the voting membership of the Pinellas County Metropolitan Planning Organization. The terms of office and appointments to fill vacancies shall be consistent with Florida law governing the MPO.”
- “The council shall elect one of its members as chairperson, one of its members as vice chairperson, one of its members as treasurer, and one of its members as secretary, each of whom shall serve for the year or until a successor is elected. No person elected chairperson shall serve more than 2 consecutive years in that capacity. Election of officers shall be conducted in concert with the MPO, as provided by Florida law governing the MPO.”
- “Pursuant to section 6(2), the council shall appoint an independent executive director, who shall serve at the pleasure of the council. The employment qualifications and standards for the position of executive director shall be established by the council. The executive director may employ such other staff as may be needed and shall have the sole authority to manage the activities of the staff. Nothing in this act shall prevent the executive director and the staff from being classified or exempt employees of the Pinellas County Unified Personnel System.”
- “Directors of individual local government land use and planning departments, or their designees, are the members of the planners advisory committee. The planners advisory committee may, at the direction of the council, perform a professional planning review of the council staff recommendations that are to be acted upon by the council. The planners advisory committee may also include a representative from the planning departments maintained by the Pinellas County School Board, the PSTA, the DOT, and other agencies as the council may determine appropriate. In addition to the planners advisory committee, the council may appoint such other committees as it deems necessary, which may be comprised of either elected or nonelected officials. The committees provided for in this section may perform such other duties as assigned by the council but may not be involved in the administration or executive functions of the council.”
- “The staff, as recognized in this act, shall prepare all plans or other documents that the council may direct under this act and shall assist any committee and the executive director in day-to-day activities. The staff shall be governed by such operating procedures as may be set forth by the council.”

An Act Relating to Highway Safety and Motor Vehicles (HB 1223)

Section 4 (s. 316.0083, F.S.)

- **Authorizes a mobility impaired person using a motorized wheelchair on a sidewalk to temporarily leave the sidewalk and use the roadway to avoid a potential conflict.**
 - “A person who is mobility impaired and who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. A law enforcement officer may issue only a verbal warning to such person.”

Section 6 (s. 316.20865 F.S.)

- **Revises safety standards for bicycle helmets that must be worn by certain riders and passengers. Revises requirements for a bicycle operator to ride in a bicycle lane or along the curb or edge of the roadway. Provides for enforcement of requirements for bicycle lighting equipment. Provides for penalties for violations and for dismissal of the charge following a first offense under certain circumstances.**
 - “A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.”
 - “Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:
 1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
 2. When preparing for a left turn at an intersection or into a private road or driveway.
 3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the purposes of this subsection, a

"substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane."

- "Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. A law enforcement officer may issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates this subsection or may issue a citation and assess a fine for a pedestrian violation as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider for a first violation of this subsection upon proof of purchase and installation of the proper lighting equipment."

Section 8 (s. 316.2126 F.S.)

- **Authorizes municipalities to use golf carts and utility vehicles to cross a portion of the State Highway System with a posted speed limit of 45 miles per hour or less, only at an intersection with an official traffic control device and to operate golf carts on sidewalks adjacent to state highways, only if such golf carts and utility vehicles yield to pedestrians and if the sidewalks are at least 5 feet wide.**
 - "... municipalities are authorized to use golf carts and utility vehicles, as defined in s. 320.01, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions: ...
 - (d) Golf carts and utility vehicles may cross a portion of the State Highway System which has a posted speed limit of 45 miles per hour or less only at an intersection with an official traffic control device.
 - (e) Golf carts and utility vehicles may operate on sidewalks adjacent to state highways only if such golf carts and utility vehicles yield to pedestrians and if the sidewalks are at least 5 feet wide."